

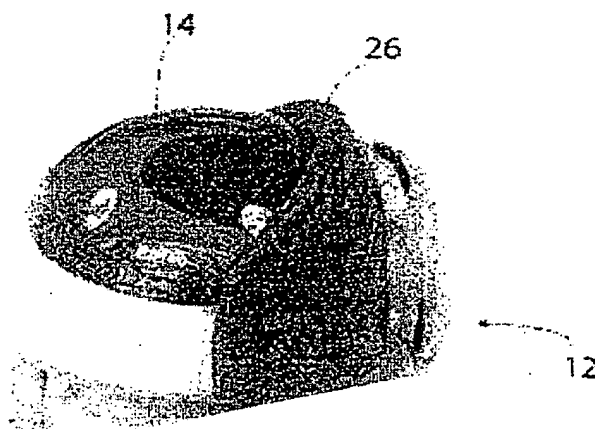
Atty. Dkt. No. 1-009 AMENDMENT

Appl. No. 10/773,927
PRELIMINARY Amendment dated April 25, 2006
Pursuant to RCE

REMARKS

Pursuant to the instant Preliminary Amendment filed with the Request for Continued Examination (RCE) transmitted herewith in the above-referenced patent application, and in view of the Final Office Action dated October 26, 2005, please add new Claims 22 through 40, and additionally cancel Claims 1-15 and 17-21 without prejudice. Claim 16 stands allowed.

Hornsby's plush is not attached to the eye. Hornsby's plush moves over its eye, on the other hand Applicant's recited structure has its plush-engaging member integral with the eye member itself with the plush affixed to the eye for movement of the plush with the eye assembly. As discussed on pages 9 and 10 and elsewhere throughout Applicant's Specification, for each eye member of the eye assembly, a portion of the plush (e.g. the flap 320) is inserted at the engaging member. For example as shown in Fig. 11, the crook of the flap 320 (i.e., the point where the first and second branches fork) engages the shaped engaging member attached to the eye and the first branch 330 is stretched across with the free end of the first branch 330 affixed by sliding onto retaining post 16 attached to the eye. Hornsby et al. and Eppley neither teach nor suggest attaching plush to the eye itself for plush movement with the eye movement.

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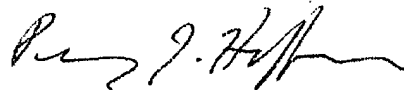
As shown above, an animated plush toy is not shown or suggested in the prior art having an artificial eye assembly with an eye member (14) including an eyelid border member (26) upper portion and a plush-engaging member (12) integral with the eye member (14) for receiving an extension of plush from above the eyelid border member 26 as claimed (e.g., see Claim 22). Moreover the prior art fails to teach or suggest an eye member that extends plush from above the eyelid border member and has the extension of plush extend rearward with the plush secured at the plush-engaging member positioning the plush as an eyebrow secured to the eye itself from above and rearward the eye as claimed.

If the Examiner would like to discuss Applicant's invention prior to issuing an action, the Examiner should feel free to contact the undersigned attorney.

In view of the foregoing, Applicant has placed the case in condition for reconsideration and respectfully requests allowance of pending claims 16 and 22-40.

Respectfully submitted,

Dated: April 25, 2006



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Attorney Docket No. 1-009